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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,830	04/21/1999	HANS HEINLE	1-21294	7634

4859 7590 11/30/2005

MACMILLAN SOBANSKI & TODD, LLC  
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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/295,830	Applicant(s) HEINLE ET AL.	
	Examiner Frank Vanaman	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 52-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **Status of Application**

1. Applicant's amendment, filed Sept. 13, 2005, has been entered in the application. Claims 52-56 are pending, with claim 57 having been canceled.

### **Claim Rejections - 35 USC § 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebherr-Werk (DE 295 04 867) in view of Weizenburger et al. (US 5,234,051, cited previously). Liebherr-Werk teaches a radiator arrangement for a vehicle including three radiator elements (11, 12, 13) and at least one condenser (note figures 4 and 5, support 9 supporting both a radiator and a condenser-"wasserkühler und kondensator") defining plural sides of a chamber, at least one radiator (13) being supported by the other radiators and condenser, a fan deflector guide (4, 18), which is positioned outside of the chamber by at least a plate portion (4) and a bracket (15, 16), the assembly further including a plurality of upstanding support elements (7, 8).

The reference to Liebherr-Werk fails to teach the provision of a fourth radiator. The duplication of parts already taught by the prior art to enhance the effect already taught by such parts is not deemed to be beyond the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a further radiator mounted proximate at least one existing radiator (e.g., 12 - note the showing of proximate mounting of the condenser and radiator 11), comparable to those already taught by Liebherr-Werk, for the purpose of providing cooling to one further vehicle system.

The reference to Liebherr-Werk fails to specifically teach the fan deflector supported on the support externally of the chamber and adapted to support a fan thereon. Weizenburger et al. teach a multi-radiator arrangement wherein a fan (1 in general) and deflector (15) being supported together, and hence indirectly supported by each other, to the breadth claimed, on the exterior of a chamber (wall 18) which encloses a plurality of radiators. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fan and deflector taught by Liebherr-

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Werk on an exterior of the chamber, as suggested by the location and mutual support taught by Weizenburger, for the purpose of locating the fan externally of the chamber to allow easy access for maintenance and/or replacement.

4. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebherr-Werk in view of Weizenburger et al. and Attinger (GB 2,234,721, cited previously). The reference to Liebherr-Werk as modified by Weizenburger et al. fails to teach at least two radiators as having a plug element that is received in a matching counter element in the lower support element. Attinger teaches a well known mounting arrangement for a radiator (1) wherein the radiator is provided with a plug (3) which rests in a counter element formed in the vehicle body (6) comprising an aperture (5) and counter bushing (4). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least two of the radiators, and their respective mountings, taught by Liebherr-Werk as modified by Weizenburger et al., with the plug and counter arrangement taught by Attinger, for the purpose of reducing the quantity of vibration transferred to the radiator during movement of the vehicle.

5. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liebherr-Werk in view of Weizenburger et al. and Cambeis (DE 24 065, cited previously). The reference to Liebherr-Werk as modified by Weizenburger et al. is discussed above and fails to teach at least one radiator being pivotally connected to provide access. Cambeis teaches a vehicle wherein a radiator (3) is provided with a swivel or pivot mount (5) in order to allow access to a further component. It would have been obvious to one of ordinary skill in the art at the time of the invention to make at least one radiator of the arrangement of Liebherr-Werk as modified by Weizenburger et al. pivotally mounted as taught by Cambeis for the purpose of providing access to the inside of the chamber, e.g., for cleaning and maintenance.

#### **Response to Comments**

6. Applicant's comments, filed with the amendment, have been carefully considered. As regards applicant's assertion that Liebherr-Werk fails to show three radiators and a condenser supporting a fourth radiator, the examiner agrees that Liebherr-Werk fails to identically show such a limitation, however in view of the showing

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of the condenser mounted proximate one radiator, it is deemed to be obvious to mount at least one other radiator proximate, for example, radiator 12, in order to allow one further vehicle system to be cooled. As regards applicant's comments concerning the fan and deflector mounted externally of the chamber, note the reference to Weizenburger et al., which shows such an external mounting.

### Conclusion

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

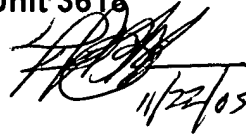
A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



11/22/05